

THE WOODLANDS TOWNSHIP

Mobile Public Space Vending Permits

1. INTRODUCTION:

- 1.1. The Woodlands Township (Township) shall administer a program to receive, review, and approve permit applications for individuals that desire to vend under the Mobile Public Space Vending Program.
- 1.2. This procedures establish guidelines for the permitting process for vending at twenty-one (21) park sites considered to be Mobile Public Spaces.

2. PURPOSE:

- 2.1. To establish administrative procedures for the application, selection, and permitting process in order to monitor and control the quantity and quality of vendors who desire to vend at parks owned or managed by The Woodlands Township.

3. DEFINITIONS:

- 3.1. "Township" means The Woodlands Township.
- 3.2. "Department" means the Community Services Department.
- 3.3. "President/ General Manager" means the President/ General Manager of The Woodlands Township.
- 3.4. "Assistant General Manager" means the Assistant General Manager of Community Services.
- 3.5. "Petitioner" means any prospective vendor submitting a Proposal for a vending Permit under this program.
- 3.6. "Potential Vendor" means any Petitioner that has been selected for further consideration and instructed to proceed with the Permit Application.
- 3.7. "Qualified Petitioner" means a petitioner whose Permit Application has been approved and is in compliance with the stated requirements.
- 3.8. "Selected Vendor" means the Qualified Petitioner who is issued a Permit to vend in the Mobile Public Space Vending Program.
- 3.9. "Site" means the twenty-one Mobile Public Space Vending locations identified in 4.1.

4. PUBLIC SPACE VENDING SITES:

- 4.1. The following are the 21 park locations designated as the Mobile Public Space Vending Site (Site) as graphically located on Exhibit "A":
 - 4.1.1. Alden Bridge Sports Park

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- 4.1.2 Alden Bridge Park
- 4.1.3. Cranebrook Park
- 4.1.4. Forestgate Park
- 4.1.5. Harper's Landing Park
- 4.1.6. Creekwood Park
- 4.1.7. Lakeside Park
- 4.1.8. Sawmill Park
- 4.1.9. Creekwood Park
- 4.1.10. Ridgewood Park
- 4.1.11. Falconwing Park
- 4.1.12. Shadowbend Park
- 4.1.13. Windvale Park
- 4.1.14. Cattail Park
- 4.1.15. Terramont Park
- 4.1.16. Tamarac Park
- 4.1.17. Pepperdale Park
- 4.1.18. Northshore Park
- 4.1.19. Meadowlake Park
- 4.1.20. Grogan's Point Park
- 4.1.21. May Valley Park

- 4.2. Each location is restricted to the parking lot area of each of the parks. The mobile vending unit must park in parking spaces designated for the park, obey all traffic laws and regulations and follow any additional requirements for each site as determined by the Township.
- 4.3. Township may adjust the size and location of these sites as deemed necessary and appropriate.
- 4.4. The Site (the parks) does not have access to any utilities such as water, electricity, gas or sewer. Township will not provide any such utilities or services to the sites. The Mobile Vending unit must be self contained.

5. APPLICATION PROCESS:

- 5.1. Prospective vendors (Petitioner) wishing to vend as part of this program may obtain a permit packet from the Township's website www.thewoodlandstownship-tx.gov or from the Department at the Township Service Center, located at 2201 Lake Woodlands Drive, The Woodlands, Texas from 8:00 a.m. to 5:30 p.m. Monday through Friday, except for Holidays.

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- 5.2. A Petitioner who is selected as a Potential Vendor must submit a completed Permit Application to be considered as a Qualified Vendor. At the time of submission of the application, Potential Vendor shall be required to provide a copy of a valid State of Texas photo I.D., proof of legal right to work status in the United States, a copy of an Assumed Name Certificate issued by Montgomery County and copies of any local, state, & federal licensees or permits required for the business operation.
- 5.3. Petitioner must be eighteen (18) years of age or older at the time of application.
- 5.4. Petitioner shall be limited to natural persons, no corporate entities shall be allowed.
- 5.5. Petitioner acknowledges and agrees that criminal convictions for any felony offense, any sexual offense including misdemeanors, offense to a child including misdemeanors, any offense requiring registration as a sexual offender will result in denial of Petitioner's Application, without limitation.
 - 5.5.1. Potential Vendor(s) will be required to submit a completed criminal history investigation as part of the approval process.
 - 5.5.2. This criminal history investigation shall include local, state, and federal records for the past twenty years from date of application.
 - 5.5.3. Potential Vendor(s) must request the criminal history check from:
 - 5.5.3.1. Montgomery County Sheriff's Office Records Division;
 - 5.5.3.2. Texas Department of Public Safety Crime Records Service;
 - 5.5.3.3. Federal Bureau of Investigation CJIS Division.
 - 5.5.4. Potential Vendor shall be responsible for all cost or fees associated with this criminal background investigation. All fees are non-refundable.
 - 5.5.5. Petitioner is advised that a criminal background investigation may take up to 45 days for completion of the federal records check, and it is the Petitioner's responsibility to provide said completed criminal background check for the approval to be complete.
- 5.6. Potential Vendor shall submit a State of Texas Sales and Use Tax Permit I.D. Number issued by the State Comptroller's Office. Said Sales Tax and Use Permit must be compliance and in good standing. If not confirmed to be valid, the Petitioner will not be eligible to participate as a Qualified Petitioner.
- 5.7. Each Petitioner will submit a list of products or services that he or she will be selling, including manufacturing information, with the application. This submittal shall include pictures of or actual products, method and/or manner of display, representations of containers/ carts and/or any other information requested. No third party advertising will be allowed in method or manner of display. A list of prohibited items can be found below under Rules and Regulations, Section 9.

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- 5.8. Each Potential Vendor shall submit a letter from an agent authorized to bind the Potential Vendor and their company to the required coverage, limits, and termination provisions provided in Section 6.9 below verifying that Potential Vendor is qualified for said coverage and that Insurance Agent agrees to provide coverage to Potential Vendor if Potential Vendor is selected as a Vendor under this program.
- 5.9. The Department shall review the Proposals and completed applications for compliance with the stated requirements.

6. VENDOR SELECTION:

- 6.1. The Public Facilities Administration Committee will review the permit applications and make recommendations to the Township Board of Directors for issuance of permit.
- 6.2. Criteria used for Vendor Selection will be based upon, but may not be limited to:
 - 6.2.1. Merchandise or product(s) to be sold;
 - 6.2.2. Vending equipment, van, truck, vehicle;
 - 6.2.3. Retail Pricing;
 - 6.2.4. Signage;
 - 6.2.5. Proposed hours of operation;
 - 6.2.6. Previous experience;
 - 6.2.7. References.
- 6.3. Each Petitioner shall be notified if they have been selected to participate in the Mobile Public Space Vending Program as a Potential Vendor.
- 6.4. Potential Vendors will be notified in writing. Potential Vendors must notify the Township in writing within ten (10) business days of their acceptance of the respective site. Vending must commence no later than forty-five (45) days from the effective date of the Permit.
- 6.5. All Potential Vendors must submit the completed criminal history checks, a permit application, provide Letter of Authorization to bind insurance per Section Six and agree to pay the accepted and approved fee.
- 6.6. In no event shall the Selected Vendor be allowed to sell, assign, subcontract, or sublease their Permit rights and any attempt to do so shall result in the immediate revocation of the Selected Vendor's Permit rights.
- 6.7. The Selected Vendor shall:
 - 6.7.1. Be responsible for all vending activities taking place on the site, including any infractions of these policies and procedures;
 - 6.7.2. Have an emergency contact number on file with the Department.

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- 6.8. Prior to issuance of a Permit, the Qualified Petitioner must provide to the Township an original completed Certificate of Insurance, which shall be completed by an agent authorized to bind the Selected Vendor and their company to the required coverage, limits, and termination provisions.
 - 6.8.1. The original certificate must have the agent's original or facsimile signature, including the signer's company affiliation, title, and telephone number, and be mailed directly from the agent to the Township.
- 6.9. The Selected Vendor is required to provide the following insurance coverage in their Certificate of Insurance covering all vending activities occurring within the site:
 - 6.9.1. Commercial General Liability Coverage, which will include Products and Completed Operations, Independent Contractors in the amount of \$1,000,000.00 per occurrence for Bodily Injury and Property Damage;
 - 6.9.2. Automobile Liability with a limit of not less than \$1,000,000 each accident.
- 6.10. All insurance contracts and Certificates of Insurance shall name the Township and its Directors, officers and employees as additional insured, with the exception of the workers' compensation policies.

7. PERMIT PROCESS:

- 7.1. The Assistant General Manager shall issue the Mobile Public Space Vending Program Permits to the Selected Vendor(s) by the Board of Directors.
- 7.2. Each Permit shall be valid only for one Mobile vehicle that is used for the Mobile Public Space Vending Program.
- 7.3. Each Permit badge shall include:
 - 7.3.1. The Permit Number as issued by the Community Services Department;
 - 7.3.2. A photo of the approved vendor;
 - 7.3.3. Approved vendor's contact information:
 - 7.3.3.1. Phone number(s);
 - 7.3.3.2. Residence Address: Address must match permit application information;
 - 7.3.4. Permit Validity Dates.
- 7.4. The permit badge shall be displayed prominently, professionally, and at all times by the approved petitioner.
- 7.5. Replacement permits are available for an additional fee of \$25.00.

8. PERMIT FEES:

- 8.1. The permit fee is \$600 for one year for one Mobile Vending unit for each Selected Vendor. Fees are subject to change during the term with Township and Selected Vendor approval.

9. RULES AND REGULATIONS:

- 9.1. Vending at the public spaces will be allowed during regular park hours. The hours of the vending operation are determined by the Selected Vendor and may change as the Selected Vendor deems necessary, provided the hours of operation do not significantly deviate from the hours of operation submitted in the permit application submitted to the Township. Township must be notified immediately of any change in the hours of operation.

9.2. Allowed Vending:

- 9.2.1. Novelty and souvenir items;
- 9.2.2. Hats and caps, T-shirts;
- 9.2.3. Flowers;
- 9.2.4. Jewelry;
- 9.2.5. Arts and crafts and the production of such products;
- 9.2.6. Non amplified music;
- 9.2.7. Sno-cones, ice-cream;
- 9.2.8. Hot Dogs, sandwiches;
- 9.2.9. Soft drinks, soda, water;
- 9.2.10. Towels;
- 9.2.11. Sun glasses.

9.3. Prohibited Vending:

- 9.3.1. Sexually explicit and/or drug related paraphernalia;
- 9.3.2. No Obscene Material;
- 9.3.3. Real estate transactions and vacation packages, including but not limited to: time shares, rentals, and vacations clubs or other similar arrangements;
- 9.3.4. Marketing and advertising activities, including but not limited to: soliciting for memberships or credit card applications – except for those marketing and advertising activities of or sponsored by the Township that Vendor agrees to promote on or from the Mobile Vending unit on behalf of the Township;
- 9.3.5. Tobacco products;
- 9.3.6. Clothing, other than that specified in 9.4.2.;
- 9.3.7. No Printed Materials, including but not limited to newspapers, books, comic books, and magazines;

- 9.3.8. Other services or products not approved by the Township prior to issuance of the Mobile Public Space Vending Program Permit.
- 9.4. All transactions, including display, sales, queuing, seating, etc. and any interactions with customers or potential customers, shall occur completely within the immediate proximity of the mobile unit used for vending.
- 9.5. No vending is permitted in, on, or to the public right of way/pathway/sidewalk in such a way as to impede pedestrian traffic along the right of way/pathway/sidewalk. Vendor shall, at all times, keep free from obstructions of any kind the sidewalks adjacent to the Public Space.
- 9.6. Certain special events, such as the Arts Festival, Lighting of The Doves and other such events, may take precedence over Mobile Public Space Vending Program Permits. As such, vending may not be allowed, or may be restricted, limited or relocated during such special events. Selected Vendor will be given 30 days advance notice of any restrictions, limitations or relocations.
- 9.7. Selected Vendor shall not construct, or allow to be constructed, any improvements or structures on the Site nor shall vendor make, or allow to be made, any alterations to the Site.
- 9.8. Selected Vendor shall, at all times, keep the Site and surrounding area free from trash, litter or other debris caused by or related to the operation of the Permit. Vendor will make every effort to provide zero waste products and recycling containers available to customers.
- 9.9. Township shall not be responsible for any theft, damages or destruction of goods and/or property of vendor both during the term of the Mobile Public Space Vending Program Permit and as so left on the public space after vendor vacates the public space. If said goods and any other property placed by vendor upon the Public Space are not removed after hours of operation, then the Township may remove same without further notice or liability therefore.
- 9.10. Selected Vendors must adhere to all Township Orders, Rules and Regulations and Covenants, including sound restrictions.
- 9.11. Vendor shall pay, on or before their respective due dates to the appropriate collecting authority, all Federal, State and local taxes and fees which are now or may hereafter be levied upon the Vendor, or upon the business conducted on the public space, or upon any of Vendor's property used in connection therewith; and shall maintain in current status all Federal, State and local licenses and permits required for the operation of the business conducted by Vendor. Failure to comply with the foregoing provisions shall constitute grounds for termination of the Public Space Vending Permit by the Township.
- 9.12. Vendor shall not assign the permit or sublet or sell the permit or any part thereof. Any of the previous actions shall constitute grounds for termination of the Public Space Vending Permit by the Township.

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- 9.13. Any violation of these policies and procedures may result in the immediate revocation of the Permit; and may result in the issuance of a criminal citation or an administrative statement of violation.

10. TERMINATION:

- 10.1. The Township can terminate the Permit for any reason with thirty days prior notice.
- 10.2. Selected Vendor can terminate the Permit for any reason with thirty days prior notice.
- 10.3. Any fees paid or due to the Township will not be refunded, rebated, or prorated for early termination of the Permit.

All information related to this program may be obtained from:

The Woodlands Township
Community Services Department
2201 Lake Woodlands Dr.
The Woodlands, Texas 77380
281-210-3800